UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,462	09/26/2000	Takao Ogura	FUJS 17.791	3610

7590 03/08/2007		EXAMINER	
Katten, Muchin, Zavis & Rosenman		HAN, CLEMENCE S	
575 Madison Ave.			
New York, NY 10022-2585		ART UNIT	PAPER NUMBER
		2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/670,462	OGURA ET AL.
	Examiner	**Art Unit**	
	Clemence Han	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
> Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 November 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The text of those sections of Title 35, U.S. Code not included in this action

can be found in a prior Office action.

2.   Claim 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Robinson et al. (US 6,570,867) in view of Bowman-Amuah (US 6,611,867).

Regarding to claim 1-6 and 12-15, Robinson teaches a system for managing

a communication network composed of a plurality of subnetworks, comprising: a

plurality of element managers 24 provided one for each of the plural subnetworks;

and a network manager 20 accommodating said plural element managers for

concentrated management thereof; wherein each of said plural element managers

having a collection and notification section for collecting QoS (Quality of Service)

capability management information on the corresponding element manager and

notifying said network manager of the collected QoS capability management

information (Column 5 Line 13-19); said network manager having a management

section including a function object group which performs a control of QoS policy

provisioning over the communication network (Column 5 Line 40-44) and an

information object group which manages network information of each of the plural

subnetworks (Column 5 Line 19-30), and for concentratedly managing various

QoS capabilities of the whole communication network, based on the QoS

capability management information collected and notified by the individual

element managers 24 (Column 5 Line 3-15), a request reception section for

receiving a request for a target QoS capability (Column 8 Line 22-25), and a

selection and notification section for selecting a candidate subnetwork having a

QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56,

Column 2 Line 27-29), for which the request has been received by said request

reception section (Column 8 Line 22-25), based on the various QoS capabilities

being managed by said management section (Column 5 Line 3-15), and for

notifying said element manager corresponding the selected candidate subnetwork

of selection information indicating that the candidate subnetwork has been selected

(Column 5 Line 3-6); and each of said element managers further having a control

section for controlling the corresponding subnetwork based on the selection

information notified by said selection and notification section of said network

manager (Column 5 Line 9-12). Robinson, however, does not teach at least one

subnetwork of the plurality of the subnetworks having a different technology than

other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at

least one subnetwork of the plurality of the subnetworks having a different

technology than other subnetworks of the plurality of subnetworks (Column 74

Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to

modify Robinson to be used with at least one subnetwork of the plurality of the

subnetworks having a different technology than other subnetworks of the plurality

of subnetworks as taught by Bowman-Amuah in order to improve the efficiency of

systems integration therefore enable the system to operate more effectively

(Column 73 Line 60 – Column 74 Line 41).

Regarding to claim 7 and 19, Robinson teaches a network manager for use in

a communication network managing system which manages a communication

network composed of a plurality of subnetworks and includes a plurality of

element managers 24 corresponding to the plural subnetworks; and a network

manager 20 accommodating the plural element managers, said network manager

comprising: management section for concentratedly managing various QoS

capabilities of the whole communication network, based on the QoS capability

management information collected and notified by the individual element

managers (Column 5 Line 3-15), a request reception section for receiving a request

for a target QoS capability (Column 8 Line 22-25), and a selection and notification

section for selecting a candidate subnetwork having a QoS capability such as to

satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29),

for which the request has been received by said request reception section (Column

8 Line 22-25), based on the various QoS capabilities being managed by said

management section (Column 5 Line 3-15), and for notifying said element

manager corresponding the selected candidate subnetwork of selection information

that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said

management section is constructed to concentratedly manage the various QoS

capabilities of said communication network and those of another communication

network independent of said communication network in view of other QoS

capability management information of other subnetworks that constitute said other

communication network (Column 14 Line 46-57, Column 3 Line 34-38).

Robinson, however, does not teach at least one subnetwork of the plurality of the

subnetworks having a different technology than other subnetworks of the plurality

of subnetworks. Bowman-Amuah teaches at least one subnetwork of the plurality

of the subnetworks having a different technology than other subnetworks of the

plurality of subnetworks (Column 74 Line 43-64, see Figure 36). It would have

been obvious to one skilled in the art to modify Robinson to be used with at least

one subnetwork of the plurality of the subnetworks having a different technology

than other subnetworks of the plurality of subnetworks as taught by Bowman-

Amuah in order to improve the efficiency of systems integration therefore enable

the system to operate more effectively (Column 73 Line 60 – Column 74 Line 41).

Regarding to claim 8 and 22, Robinson teaches a network manager for use in

a communication network managing system which manages a communication

network composed of a plurality of subnetworks and includes a plurality of

element managers 24 corresponding to the plural subnetworks; and a network

manager 20 accommodating the plural element managers, said network manager

comprising: management section for concentratedly managing various QoS

capabilities of the whole communication network, based on the QoS capability

management information collected and notified by the individual element

managers (Column 5 Line 3-15), a request reception section for receiving a request

for a target QoS capability (Column 8 Line 22-25), and a selection and notification

section for selecting a candidate subnetwork having a QoS capability such as to

satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29),

for which the request has been received by said request reception section (Column

8 Line 22-25), based on the various QoS capabilities being managed by said

management section (Column 5 Line 3-15), and for notifying said element

manager corresponding the selected candidate subnetwork of selection information

that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said

management section is constructed to manage supported tagging, as additional

information, for discrimination on combination of the subnetworks (Column 9 Line

60 – Column 10 Line 2). Robinson, however, does not teach at least one

subnetwork of the plurality of the subnetworks having a different technology than

other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at

least one subnetwork of the plurality of the subnetworks having a different

technology than other subnetworks of the plurality of subnetworks (Column 74

Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to

modify Robinson to be used with at least one subnetwork of the plurality of the

subnetworks having a different technology than other subnetworks of the plurality

of subnetworks as taught by Bowman-Amuah in order to improve the efficiency of

systems integration therefore enable the system to operate more effectively

(Column 73 Line 60 – Column 74 Line 41).

Regarding to claim 9 and 24, Robinson teaches a network manager for use in

a communication network managing system which manages a communication

network composed of a plurality of subnetworks and includes a plurality of

element managers 24 corresponding to the plural subnetworks; and a network

manager 20 accommodating the plural element managers, said network manager

comprising: management section for concentratedly managing various QoS

capabilities of the whole communication network, based on the QoS capability

management information collected and notified by the individual element

managers (Column 5 Line 3-15), a request reception section for receiving a request

for a target QoS capability (Column 8 Line 22-25), and a selection and notification

section for selecting a candidate subnetwork having a QoS capability such as to

satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29),

for which the request has been received by said request reception section (Column

8 Line 22-25), based on the various QoS capabilities being managed by said

management section (Column 5 Line 3-15), and for notifying said element

manager corresponding the selected candidate subnetwork of selection information

that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said

management section is constructed to update the various QoS capabilities of the

communication network when said QoS capability management information is

updated (Column 9 Line 43-47). Robinson, however, does not teach at least one

subnetwork of the plurality of the subnetworks having a different technology than

other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at

least one subnetwork of the plurality of the subnetworks having a different

technology than other subnetworks of the plurality of subnetworks (Column 74

Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to

modify Robinson to be used with at least one subnetwork of the plurality of the

subnetworks having a different technology than other subnetworks of the plurality

of subnetworks as taught by Bowman-Amuah in order to improve the efficiency of

systems integration therefore enable the system to operate more effectively

(Column 73 Line 60 – Column 74 Line 41).

Regarding to claim 10, Robinson teaches said selection and notification

section is constructed to previously select two or more of the subnetworks when

selecting the candidate subnetworks having communication QoS capabilities such

as to individually satisfy the target QoS capability, for which the request has been

received by said request reception section, to firstly notify one element manager,

corresponding to a first one of the candidate subnetworks, of the previous selection

of the plural subnetworks and secondly notify another element manager,

corresponding to a second one of the candidate subnetworks, of unable information

that the corresponding first candidate subnetwork cannot be controlled, upon

receipt of the unable information as a response from the element manager

corresponding to the first candidate subnetwork (Column 14 Line 33-45, Column

10 Line 21-39). Robinson, however, does not teach at least one subnetwork of the

plurality of the subnetworks having a different technology than other subnetworks

of the plurality of subnetworks. Bowman-Amuah teaches at least one subnetwork

of the plurality of the subnetworks having a different technology than other

subnetworks of the plurality of subnetworks (Column 74 Line 43-64, see Figure

36). It would have been obvious to one skilled in the art to modify Robinson to be

used with at least one subnetwork of the plurality of the subnetworks having a

different technology than other subnetworks of the plurality of subnetworks as

taught by Bowman-Amuah in order to improve the efficiency of systems

integration therefore enable the system to operate more effectively (Column 73

Line 60 – Column 74 Line 41).

Regarding to claim 11, Robinson teaches a network manager for use in a

communication network managing system which manages a communication

network composed of a plurality of subnetworks and includes a plurality of

element managers 24 corresponding to the plural subnetworks; and a network

manager 20 accommodating the plural element managers, said network manager

comprising: management section for concentratedly managing various QoS

capabilities of the whole communication network, based on the QoS capability

management information collected and notified by the individual element

managers (Column 5 Line 3-15), a request reception section for receiving a request

for a target QoS capability (Column 8 Line 22-25), and a selection and notification

section for selecting a candidate subnetwork having a QoS capability such as to

satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29),

for which the request has been received by said request reception section (Column

8 Line 22-25), based on the various QoS capabilities being managed by said

management section (Column 5 Line 3-15), and for notifying said element

manager corresponding the selected candidate subnetwork of selection information

that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said

selection and notification section is constructed to select two or more of the

subnetwork according to preset priorities when selecting the candidate

subnetworks having QoS capabilities such as to individually satisfy the target QoS

capability, for which the response has been received by said request reception

section, and to notify one element manager, corresponding to a higher-priority one

of the candidate subnetworks, of the selection (Column 14 Line 33-45, Column 10

Line 21-39). Robinson, however, does not teach at least one subnetwork of the

plurality of the subnetworks having a different technology than other subnetworks

of the plurality of subnetworks. Bowman-Amuah teaches at least one subnetwork

of the plurality of the subnetworks having a different technology than other

subnetworks of the plurality of subnetworks (Column 74 Line 43-64, see Figure

36). It would have been obvious to one skilled in the art to modify Robinson to be

used with at least one subnetwork of the plurality of the subnetworks having a

different technology than other subnetworks of the plurality of subnetworks as

taught by Bowman-Amuah in order to improve the efficiency of systems

integration therefore enable the system to operate more effectively (Column 73

Line 60 – Column 74 Line 41).

Regarding to claim 16 and 20, Robinson teaches said management section is

constructed to manage supported tagging, as additional information, for

discrimination on combination of the subnetworks (Column 9 Line 60 – Column

10 Line 2).

Regarding to claim 17 and 21, Robinson teaches said management section is

constructed to update the various QoS capabilities of the communication network

when said QoS capability management information is updated (Column 9 Line 43-

47).

Regarding to claim 18 and 23, Robinson teaches said management section is

constructed to update the various QoS capabilities of the communication network

when said QoS capability management information is updated (Column 9 Line 43-

47).

Response to Arguments

3.   Applicant's arguments filed November 27, 2006 have been fully considered

but they are not persuasive. In response to applicant's argument that the references

fail to show certain features of applicant's invention, it is noted that the features

upon which applicant relies (i.e., target pattern) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Robinson teaches QoS

policy provisioning (Column 5 Line 40-44) and getting information (Column 5

Line 13-19) from the network elements and make it available to the network

manager. In response to page 2-3, the applicant argues that Bowman-Amuah does

not teach a system where at least one subnetwork has a different technology than

other subnetworks. Bowman-Amuah teaches a system where at least one

subnetwork has a different technology than other subnetworks (Column 77 Line

33-37 and Column 88 Line 39-44).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension

of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Clemence Han whose telephone number is

(571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone

number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to

the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.
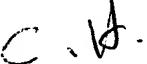
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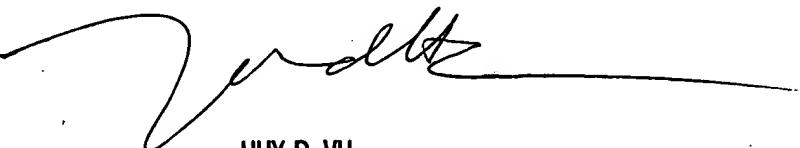
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